



State of Arizona  
**Department of Education**

**Tom Horne**  
Superintendent of  
Public Instruction

**CACFP CN# 003-08**  
**CERTIFIED MAIL**

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**MEMORANDUM**

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**TO:** Child Care Sponsoring Organizations

**FROM:** Mary Szafranski, Deputy Associate Superintendent  
Arizona Department of Education, Health and Nutrition Services

Melissa Conner, Director  
Child and Adult Care Food Program

**DATE:** December 4, 2007

**SUBJECT:** Child Care Home Transition Update

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*Original Signed*

As a result of hours of research and numerous data gathering meetings with DES and DHS, the Department of Education wishes to share updated information regarding the transition plan of child care homes. I am confident you will be pleased to hear that the ADE was successful in providing clarification to USDA relative to the Arizona Revised Statute and the Arizona Administrative Code.

USDA clearly understands that the statute and administrative code that addresses child care in Arizona concludes that the Department of Economic Security only has the authority to certify homes for providers that wish to provide child care services to DES approved children. Additionally, the Department of Health Services only has the authority to grant a small group home license to providers that offer care to five or more children for compensation.

Therefore, USDA has agreed to allow Alternate Approval for Arizona providers who care for four or less children for compensation. However, USDA has made it very clear that to be approved on the CACFP, Arizona homes must have a valid fire and health inspection conducted by a local authority and the homes must abide by the alternate approval standards. ADE defines local authority as any health and/or fire department or their approved designee. As previously reported, ADE will no longer approve inspectors.

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If a designee is assigned, the assignment must be made directly by the appropriate local authority. For example, the local fire authority may assign a designee such as a fire cadet, a fire volunteer, or a retired fireman. Please remember that sponsors can not self-certify homes. Thereby, neither sponsors nor their employees can be appointed as a designee. To assist sponsors in meeting this federal regulation, key Arizona legislators have begun to work on increasing the number of fire and health departments that will be conducting inspections in Arizona.

Please remember that DHS has a rule that assigns CACFP reimbursement as compensation. DHS indicated that CACFP reimbursement is not viewed as compensation with regards to providers' own children. If back-up providers' children are claimed for meals, this is considered compensation.

#### Providers

- who currently care for four children for compensation and one or two children not for compensation;
- who receive reimbursement for CACFP meals provided; and
- the "not for compensation children" are not the providers own

are providing unlawful childcare according to DHS rule and need to obtain a DHS small group home license. DHS has the authority to investigate and seek lawful remedies against providers of unlawful child care.

Please feel free to contact your specialist if you have questions.

Cc: Tom Horne, Superintendent of Public Instruction  
Jesus Mendoza, USDA Western Regional Director  
Karen Butterfield, Associate Superintendent of Academic Achievement

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